

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PATRICK PERKINS,

Plaintiff,

v.

No.: 3:16-cv-00220

Crenshaw/Brown

**SPECTRACORP OF TENNESSEE, d/b/a
FANN MECHANICAL CO., and
RANDALL FANN,**

JURY DEMAND

Defendants.

DEFENDANTS' PROPOSED VERDICT FORM

Come now Defendants, by and through counsel, and after good faith effort by counsel for all parties to draft and submit a joint proposed verdict form submit the following as Defendant's Proposed Verdict Form:

Part 1-Fair Labor Standards Act, Failure to Pay Overtime Compensation

1. Do you find that Defendant Spectracorp of Tennessee, d/b/a Fann Mechanical Co. is an employer as defined by FLSA

Answer: Yes_____ No_____

2. Do you find that Defendant Randall Fann, individually, is an employer as defined by the FLSA?

Answer: Yes_____ No_____

3. Do you find that Plaintiff was an employee of Defendant Spectracorp of Tennessee, d/b/a Fann Mechanical Co?

Answer: Yes_____ No_____

4. Do you find that Plaintiff was an employee of Defendant Randall Fann, individually?

Answer: Yes_____ No_____

5. Do you find that Defendant Spectracorp of Tennessee d/b/a Fann Mechanical Co. failed to pay Plaintiff overtime compensation required by law

Answer: Yes _____ No _____

6. Do you find that Defendant Randall Fann, individually,. failed to pay Plaintiff overtime compensation required by law?

Answer: Yes _____ No _____

If you answered "Yes" to Question 5 or 6, proceed to Question 7. If you answered "No" to Question 5 and 6, please skip to Question 9.

7. What amount of overtime compensation is owed to Plaintiff?

Answer: \$ _____

Please proceed to Question 8.

8. Do you find that Defendants either knew or showed reckless disregard for whether its conduct toward Plaintiff was prohibited by the FLSA?

Answer: Yes _____ No _____

Please proceed to Question 9.

Part 2-Fair Labor Standards Act, Failure to Pay Minimum Wage

9. Do you find that Defendant Spectracorp of Tennessee d/b/a Fann Mechanical Co. failed to pay Plaintiff minimum wage as required by law?

Answer: Yes _____ No _____

10. Do you find that Defendant Randall Fann, individually, failed to pay Plaintiff minimum wage as required by law?

Answer: Yes _____ No _____

If you answered "Yes" to Question 9 or 10, proceed to Question 11. If you answered "No" to Question 9 and 10, please skip to Question 13.

11. What amount of overtime compensation is owed to Plaintiff?

Answer: \$ _____

Please proceed to Question 12.

12. Do you find that Defendants either knew or showed reckless disregard for whether its conduct toward Plaintiff was prohibited by the FLSA?

Answer: Yes _____ No _____

Please proceed to Question 13.

Part 3-Unjust Enrichment

13. Do you find that Plaintiff prevailed on his claim for unjust enrichment?

Answer: Yes _____ No _____

If you answered "Yes" to Question 13, proceed to Question 14. If you answered "No" to Question 13, please skip to Question 15.

14. In what amount, if any, were Defendants unjustly enriched by Plaintiff?

Answer: \$ _____

Please proceed to Question 15.

Part 4-Quantum Meruit

15. Do you find that Plaintiff prevailed on his claim for quantum meruit?

Answer: Yes _____ No _____

If you answered "Yes" to Question 15, proceed to Question 16. If you answered "No" to Question 15, please skip to Question 17.

16. What amount, if any, do you find that Plaintiff is owed by Defendants on his claim for quantum meruit?

Answer: Yes _____ No _____

Please proceed to Question 17.

Part 5-Race Discrimination

17. Do you find that Defendant Spectracorp of Tennessee d/b/a Fann Mechanical Co. is an employer as defined in the Tennessee Human Rights Act?

Answer: Yes_____ No_____

18. Do you find that Defendant Randall Fann, individually, is an employer as defined in the Tennessee Human Rights Act?

Answer: Yes_____ No_____

19. Do you find that the Defendants terminated the Plaintiff in violation of the Tennessee Human Rights Act?

Answer: Yes _____ No _____

If you answered "Yes" to Question 19, proceed to Question 20. If you answered "No" to Question 19, please skip to Question 21.

20. What total amount of damages is the Plaintiff entitled to receive for wrongful termination in violation of Tennessee Human Rights Act?

Answer: \$_____

Please proceed to Question 21.

Part 6-Hostile Work Environment

21. Do you find that Defendants are liable for a hostile work environment in violation of the Tennessee Human Rights Act?

Answer: Yes _____ No _____

If you answered "Yes" to Question 21, proceed to Question 22. If you answered "No" to Question 21, please skip Question 22.

22. What total amount of damages is the Plaintiff entitled to receive for hostile work environment in violation of Tennessee Human Rights Act?

Answer: \$_____

This concludes your deliberations, please have the foreperson sign and date this form and return it to court.

Foreperson: _____

Date: _____

Respectfully submitted,

/s/ Johnathon C. Hershman
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent to the following via the District Court's electronic filing system:

Kerry E. Knox
117 South Academy Street
Murfreesboro, Tennessee 37130

Stephen W. Grace
1019 16th Avenue, South
Nashville, Tennessee 37212

On this 8th day of September, 2017.

/s/Johnathon C. Hershman
JOHNATHON C. HERSHMAN